

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8295 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

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BANCO PRODUCTS (I) LTD

Versus

ZAVERBEN NARANBHAI

Appearance:

1. Special Civil Application No. 8295 of 1992
MR KM PATEL for Petitioner No. 1
MR PC MASTER for Respondent No. 1
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CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 03/09/2002

ORAL JUDGEMENT

By filing this petition under Articles 226 & 227
of the Constitution, the petitioner has prayed to issue a
writ of certiorari or any other appropriate writ or order

to quash and set aside judgment and order dated June 2, 1992, rendered by the Labour Court, Baroda, in Recovery Application No. 1508/86, by which the petitioner is directed to pay a sum of Rs. 33,318.80 ps., with costs quantified at Rs. 251/-, to the respondent.

2. The petition was placed for admission hearing before the Court on December 8, 1992 and while issuing rule, ad-interim relief in terms of Para 6(B) of the petition was granted and notice issued to the respondent was made returnable on December 21, 1992. Again, the matter was placed before the Court for passing appropriate order regarding interim relief, and after hearing the learned counsel for the parties, the Court has passed following order on January 29, 1993 :

"Heard the learned counsels appearing for the parties as regards interim relief. The impugned order passed in recovery application is stayed on condition that the entire amount is deposited with the Labour Court at Baroda on or before March 1, 1993. As and when the amount is deposited, 50% of the amount will be permitted to be withdrawn by the respondent-workman without furnishing security and the balance amount of 50% shall be permitted to be withdrawn by the workman on furnishing security to the satisfaction of the Labour Court."

3. During the course of hearing of the petition, the learned counsel for the petitioner has informed the Court that the respondent i.e. Smt. Zaverben Naranbhai has retired from service on attaining the age of superannuation and is not in service of the petitioner. After hearing the learned counsel for the petitioner, it was suggested to him that having regard to (1) the facts of the case as noticed by the Labour Court in the impugned judgment, (2) the interim order passed by the Court which is already implemented, and (3) the subsequent event viz. the respondent has retired from service on attaining the age of superannuation, the petitioner as a fair employer should not press the petition. The suggestion made by the Court has been accepted by the learned counsel for the petitioner in right earnest, and it is stated at the Bar that the petition be dismissed as not pressed.

For the foregoing reasons, the petition fails. Rule is discharged with no orders as to costs. The petition stands disposed of as not pressed. Interim relief granted earlier is hereby vacated.

(J.M.Panchal, J.)

(patel)